

Remarks

With entry of this amendment, claims 52-58, 8-9 and 12-51 are pending. Claims 1-7 have been cancelled, and rewritten as new claims 52-58. Claims 8-9 and 12-51 have been withdrawn from consideration. Thus, claims 52-58 are under examination. No new matter has been added. Reconsideration is respectfully requested.

1. With regard to Claim Rejections under 35 USC §112

In the Office Action, page 4, lines 10-14, the Examiner has stated: "Therefore, the claimed invention is only enabled to the scope of a mouse comprising homozygous disruption of TLR4, TLR2 or MyD88 gene in its genome, wherein such disruption results in no production of endogenous TLR4, TLR2 or MyD88 protein, and exhibits the phenotype of unresponsive to bacterial cell components that is a lipoprotein or lipopeptide."

In order to expedite prosecution, Claim 1 has been rewritten as claim 52 to recite "A mouse comprising homozygous disruption of TLR2 or MyD88 gene in its genome, wherein such disruption results in no production of endogenous TLR2 or MyD88 protein, and exhibits the phenotype of unresponsive to bacterial cell components that is a lipoprotein/lipopeptide." It is respectfully submitted that the new claim is free of this rejection.

2. With regard to Claim Objections

The Examiner has stated: "Claims 5-7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim."

The phrase "by the disruption of TLR4 gene" in cancelled claims 5-7 was an error. Claims 5-7 have been rewritten as claims 56-58, which do not contain this phrase. It is

respectfully submitted that claims 56-58 further limit the subject matter of claim 52, from which they depend by specifying the bacterial cell components to which the mouse is unresponsive, i.e. endotoxin (claim 56), lipoteichoic acid (claim 57), and Mycobacterium tuberculosis lysate (claim 58).

3. The basis for the amendment

As the basis for the claim amendments, the following description can be found in Industrial Applicability in the specification of the present invention.

“The MyD88 knockout mouse, which is the bacterial cell component-unresponsive model animal of the present invention, is unresponsive to endotoxin derived from Gram-negative bacteria, peptidoglycan derived from Gram-positive bacteria, lipoteichoic acid, mycobacterium tuberculosis lysate and other such cell wall components of Gram-positive bacteria, a lipoprotein/lipopeptide and the like, and the TLR2 knockout mouse is unresponsive to peptidoglycan which is a cell wall component of Gram-positive bacteria and the like, a lipoprotein/lipopeptide and the like...”

It is believed that the application is in condition for allowance, and Notice to that effect is respectfully requested. Should the resolution of any minor issues be necessary to place the application in condition for allowance, the Examiner is kindly invited to telephone the undersigned at the designated telephone number.

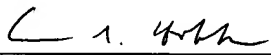
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Appl. No. 09/889,324

A Notice of Allowance for claims 52-58 is respectfully requested.

Respectfully submitted,

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